IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 105 OF 2005

Mrs. Anita Umakant Chippa ... Applicant
V/s.
Umakant Lakshmanrao Chippa ... Respondent

Mr. B.G. Vaidya for the applicant.
Mr. A.D. Surwase for the respondent.

CORAM : A.M. KHANWILKAR, J.
DATED : 26th June, 2006

P.C.

. Heard counsel for the parties. Perused the pleadings. This petition is for transfer of P.A. No. 362 of 2005 pending with Family Court at Pune to Civil Court, Senior Division, Solapur to be heard and disposed of along with another proceeding pending between the parties at Solapur bearing H.M. Petition No. 234 of 2005. Applicant is wife. She is unemployed. Applicant is presently staying at Solapur. Respondent has also filed case as counterblast to the complaint of the applicant, at Pune. However, according to the applicant she is not in a position to travel from Solapur to Pune to attend two different proceedings between the parties. It is stated in the application that the witnesses to the incident of cruelty and harassment are all from Solapur, where the marriage took place.

2. Counsel for the respondent, however, states across the bar that the witnesses in the proceedings between the parties are from Pune & Thane and not from Solapur.

3. It is not in dispute that proceedings between the parties are pending at two different places. I am inclined to accept the submission of the counsel for the applicant that in the interest of justice and having regard to the convenience of the parties, particularly the wife, both the proceedings should be heard and decided together by the same Court. Counsel for the applicant has rightly placed reliance on the decisions of the Apex Court in **Sumita Singh V/s. Kumar Sanjay and another, AIR 2002, SC 396**, and **Munni Kumar V/s. Shailendra Kumar Choudhary, AIR 2000 SC 3565(1)**. In both these cases, paramount consideration was given to the convenience of wife, so as to facilitate her to prosecute matrimonial proceeding. The counsel for the respondent, however, contends that the view taken in this decision is peculiar to the facts of these cases. I am not impressed by this argument.

4. Accordingly, this application succeeds in

terms of prayer clause (a) in the interest of justice with direction to the Trial Court at Solapur to decide both the proceedings pending between the parties as expeditiously as possible preferably by end of March, 2007, if necessary by proceeding with the hearing on day-to-day basis. Applicant assures before this Court that applicant shall keep her witnesses present on the respective dates and not seek any adjournment on any count. That assurance is accepted.

5. Application disposed of on above terms.

[A.M. KHANWILKAR,J.]